108TH CONGRESS
1ST SESSION

S. RES. 23

Supporting a decision of the United States Court of Appeals for the Sixth Circuit relating to the admissions policy of the University of Michigan.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2003

Mr. DASCHLE (for himself and Mr. GRAHAM of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary

---

RESOLUTION

Supporting a decision of the United States Court of Appeals for the Sixth Circuit relating to the admissions policy of the University of Michigan.

Whereas racial and ethnic diversity has far-reaching benefits for all students, nonminorities and minorities alike;

Whereas racial and ethnic diversity increases the range of ideas and perspectives raised in the classroom, generates complex thinking, and prepares students to become participants in a pluralistic democratic society;

Whereas racial and ethnic diversity has a positive effect on students' intellectual and personal development because such diversity causes students to challenge stereotypes, broaden perspectives, and sharpen critical thinking skills;

Whereas a study done in 2000 by the American College on Education and the American Association of University Professors found that students and faculty believe that having multiracial and multiethnic student populations has a positive effect on students' cognitive and personal development;

Whereas in 1955, 1 year after the Supreme Court decided Brown v. Board of Education, 347 U.S. 483 (1954), less than 5 percent of college students in the United States were African-American;

Whereas by 1990, because of affirmative action and other initiatives, over 11 percent of college students in the United States were African-American;

Whereas after the United States Court of Appeals for the Fifth Circuit ruled, in Hopwood v. Texas, 78 F.3d 932 (5th Cir. 1996), that the University of Texas Law School's affirmative action program was unconstitutional, Latino and African-American admissions to the law school plummeted by 64 percent and 88 percent, respectively;

Whereas after California's anti-affirmative action measure, Proposition 209, took effect, law school admissions dropped nearly 72 percent among African-American applicants and 35 percent among Latino applicants;

Whereas, even with affirmative action measures, there continues to be significant racial disparities between the enrollment rates of minority students and white students;

Whereas in 1978, in Regents of University of California v. Bakke, 438 U.S. 265 (1978), the Supreme Court ruled that campus diversity is a ''compelling governmental interest'' that justifies race and ethnicity as one of many

factors that a university may consider in developing a diverse student body;

Whereas the admissions policy of the University of Michigan adheres to the standards set out in the landmark Bakke decision;

Whereas the University of Michigan does not have racial quotas for admission, and instead uses many factors to select students, including race, social and economic background, geographic origin, athletic ability, and a relationship to alumni, as well as test scores, grades, and essay scores;

Whereas all of those factors help the University of Michigan select a diverse, well-rounded student body that is not just racially diverse, but economically and geographically diverse; and

Whereas the University of Michigan's admissions policy so far has been upheld as constitutional by the United States Court of Appeals for the Sixth Circuit, in the case of Grutter v. Bollinger, 288 F.3d 732 (6th Cir. 2002): Now, therefore, be it

Resolved, that the Senate—

(1) strongly supports the decision of the United States Court of Appeals for the Sixth Circuit, in the case of Grutter v. Bollinger; and

(2) authorizes and instructs the Senate Legal Counsel to appear as amicus curiae in that case, in the name of the Senate, to defend the constitu-

tionality of the University of Michigan's admissions policy to ensure a diverse student body.

○